IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7236 OF 2005

Mhallappa Chandanna Pujari
and others ... Applicants

versus

The State of Maharashtra ... Respondent

V.V.Purwant for applicants.

R.Y.Mirza, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 6th December 2005

PC :

1. The three applicants have been arrayed as accused pursuant to CR registered with Akkalkot (South) Police Station bearing No.39/2005. The offences alleged are under sections 302, 201, 147 and 148. The FIR was lodged on 25th May 2005 by one Nagappa Maruti. He contends that his brother Devappa had married daughter of deceased. The land of applicant no.1 is adjacent to the land of wife of brother of Nagappa. There was a dispute after the first applicant purchased the land about common boundary (Bandh). The dispute thereafter developed between Devappa and

Mahalappa. A complaint was filed by applicant no.1. It is alleged that on 20th May 2005 Devappa left his place to attend a social function. He did not return and upon inquiries being made subsequently the dead body of Devappa was discovered. It was thrown in a well. There were injuries on the body. The allegation is that the applicants herein along with other are responsible for the death of said Devappa. The specific role assigned to the applicants 1 and 2 is that injuries were inflicted on the head, back and legs of the deceased and thereafter the body was thrown in the well. The injuries are caused by sharp aged weapon.

2. Shri Purwant - learned counsel appearing for the applicants states that the co-accused have been released on bail by this Court. He also fairly states that at the instance of some of the applicants, recoveries were made. However, the applicant no.3 has absolutely no role to play. There is no recovery at his instance. The case of the present applicants is similar to that of the co-accused Shrishail Pujari.

3. With the assistance of Shri Purwant and Shri Mirza, I have perused the materials. It is very

clear that as far as applicant nos.1 and 2 are concerned, at their instance, one sickle and sword have been recovered. However, as far as applicant no.3 is concerned, his case appears to be on par with the co-accused who have been enlarged on bail.

4. The above facts are not seriously disputed by learned APP..

5. Hence, following order :-

i) Application for bail made by applicant nos.1 and 2 stands rejected.

ii) However, applicant no.3 is enlarged on bail in connection with CR No.39/2005 registered with Akkalkot (South) Police Station, subject to furnishing a personal bond of Rs.15,000/- (Rs.Fifteen thousand only) with one or two sureties in the like sum;

iii) The bail is granted subject to condition that till the conclusion of the trial, the applicant no.3 will report to the concerned police station once in a week;

iv) The bail is granted subject to condition that the applicant no.3 shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

v) The applicant no.3 shall co-operate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant no.3 to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in the above terms.

(S.C.DHARMADHIKARI, J.)